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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,390	09/16/2003	Hiroshi Nakashima	0879-0415P	2177
2292	7590	10/06/2006		EXAMINER
BIRCH STEWART KOLASCH & BIRCH				VARGOT, MATHIEU D
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,390	NAKASHIMA, HIROSHI	
	Examiner Mathieu D. Vargot	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 July 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 7-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the state of the art as set forth at page 1, lines 8-20 of the instant specification in view of Japanese Patent 4-286,611 generally for reasons of record, Japanese showing the casting of a cellulose (tri)acetate film.

2. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the state of the art in view of Japanese Patent 4-286,611 and Yoshida. The state of the art and Japanese –611 are applied for reasons of record as set forth supra, the combination lacking clear teachings of the instant degree of substitution of the acetate group and the instant solvents, plasticizers and UV absorbers. Yoshida teaches all these aspects in casting a cellulose triacetate film and such certainly would have been an obvious expedient to one of ordinary skill in the art to facilitate forming the film.

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In view of the newly added claims, Yoshida has been additionally applied to teach the limitations set forth therein, such submitted to be well known in the art and obvious material selections in the process of the state of the art process. In view of applicant's comments, the terms "admitted prior art" have been replaced with "state of the art".

However, in that applicant notes that the related art produces cellulose acylate films through casting, stripping, tentering and drying, it is submitted to be fairly clear that such constitutes prior art. Unless applicant is suggesting that the limitations of lines 1-8 of instant claim 1 were unknown prior to the filing of the instant application, there should really not be any problem with how the rejection is set forth. The instant claims recite a temperature within a range of T_g to 15 deg below T_g . Japanese -611 (see page 3 of the partial translation provided by applicant) discloses an initial drying temperature of T_g-15 to $T_g + 25$, since the temperature in the initial drying chambers 12 and 13 is set 15 deg or more lower than that in the final drying chamber. The temperature in the final drying chamber is in the range of T_g to $T_g + 40$, so that in the initial chambers must be within the instant range. In fact, the lower limit in the final chamber is within the instant range—ie, T_g itself. Hence, applicant's arguments concerning the temperature are not well founded. Applicant points to Comparative Examples 5 and 6 to show that a deviation from the instant rate of expansion in the conveying direction yields unacceptable properties. However, apparently Comparative Example 5 had no cast non-uniformity (ie, rated A with respect to this) and Comparative Example 6 had fairly good optical properties (rated B). Hence, it is not clear that the instant rate of expansion is as important as applicant suggests. At any rate, it is earnestly submitted that the spirit of the recitation concerning the rate of expansion is indeed met by Japanese -611. At page 3 of the partial translation, it is not until chamber 14 that any tensile stress is generated due to the slightly higher temperature encountered there. Here, projections and depressions are eliminated. However, it would not appear that the film is stretched

to any significant extent, and it is submitted that the instant rate of expansion would have been obvious from Japanese –611. The comment at paragraph 2, page 9 of the amendment is simply not agreed with, as already noted. Essentially, applicant's characterization of the related art shows that cast films had been tentered prior to drying. Hence, there should not a problem combining Japanese –611 with a prior art process that does tenter the film. The multi-stage drying of Japanese –611 uses rolls, and hence comments at the third paragraph of page 9 are not persuasive.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
September 30, 2006

M. Vargot
Mathieu D. Vargot
Primary Examiner
Art Unit 1732

9/30/06